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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,836	10/12/2001	Charles Eric Hunter	05001.1010	2310
23377	7590	04/06/2006	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE, 46TH FLOOR 1650 MARKET STREET PHILADELPHIA, PA 19103			NGUYEN, CUONG H	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/976,836	Applicant(s) HUNTER ET AL.	
	Examiner CUONG H. NGUYEN	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the amendment received on 11/16/2005.
2. Claims 31-50 are pending in this application.

Response:

3. The examiner respectfully submits that amended phrases and arguments for pending claims filed on 11/16/2005 are unpersuasive with a new ground of rejection (changing from anticipation rejections to obvious rejections – different rejected grounds). The previous cited references suggest pending claims' limitation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 31, 50, and 39-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Diamond et al. (US Pat. 6,698,653),**

A. Per claim 50: Diamond et al. teach a method of use a smart-card for speedy checking/ID verification (i.e., avoiding redundant steps in check-in procedure at an airport), comprising “CyberID FASTLITE@ Process Flow” (see Diamond et al., Fig.9):

an interface allowing an individual to order a security clearance/verification of flight/ticket using a smart-card (i.e., a number of check-in stations 50, 51 having well-known GUIs) (see Diamond et al., Fig.5); and

a check-point or a gate or a counter (see Diamond et al., Fig.6 refs.71 and 81); to which the verification is routed, wherein the verification occurs before the arrival of the individual at the check-point/gate/counter (see Diamond et al., col.8 lines 13-21; wherein Diamond et al. teach about a smart-card is used for matching check-in's information).

- Diamond et al. also teach about providing to an individual a verification of the individual's identity via an interface (i.e., see Diamond et al., a monitor display results in Fig.5, ref. 66); and providing the verification to a check-in location (i.e., providing a result after a process of matching in steps 72-74 of Fig.6, wherein the verification is performed before the arrival of the individual at the check-in location (see Diamond et al., col.8 lines 13-21; wherein Diamond et al. teach about a smart-card is used for matching check-in's information).

Diamond et al. do not disclose that accessing an airport gate (such as passing a security clearance check) with an ordered product (such as a specific ID representing a security clearance level – please note that it is a well-known practice that in related DoD contract (such as at previous Martin-Marietta Aero & Naval System at Baltimore - Maryland, this company has used different color for ID badges to immediately identify individuals with different clearance levels, such as quickly identify a confidential clearance employee in an area just for TOP-SECRET clearance personnel only).

However, issuing a special number to a smart card (from another party) for a “special” use (such as accessing a “specific” venue) has been readily capable with Diamond et al.'s smart card; because a smart card has tremendous resources and references to verify its holder (for matching data of another party), using a smart card ID

or a ordered number for identification is similarly unique. This practice has been used for quick identification.

B. Per claims 31, and 39-41: With the above-presented rationales for claim 50:

Diamond et al. teach a system to use a smart-card for speedy checking/ID verification (i.e., related information are readily available in a smart card; avoiding redundant/unnecessary steps in check-in procedures – just like above well-known example in defense contracting companies: employees wearing different color badges to immediately identify different clearance levels), comprising “CyberID FASTLITE@ Process Flow” (see Diamond et al., Fig.9):

an interface allowing an individual to order a security clearance (i.e., a number of check-in stations 50, 51) (said “interface” is merely a GUI in well-known MS windows, see Diamond et al., Fig.5); and

a check-point (see Diamond et al., Fig.6 refs.71 and 81); to which the verification is routed, wherein the verification occurs before the arrival of the individual at the check-point (see Diamond et al., col.8 lines 13-21; wherein Diamond et al. teach about a smart-card is used for matching check-in’s information).

- Diamond et al. also teach about providing to an individual a verification of the individual's identity via an interface (i.e., see Diamond et al., a monitor display results in Fig.5, ref. 66); and providing the verification to a check-in location (i.e., providing a result after a process of matching in steps 72-74 of Fig.6, wherein the verification is performed before the arrival of the individual at the check-in location (see Diamond et al., col.8 lines 13-21; wherein Diamond et al. teach about a smart-card is used for matching check-in’s information).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to suggest that generating an ID (such as a random number to match a person's social security number) in Diamond et al.'s system at the airport check-in counter for the benefit of providing a readily available reference for all security checks at the airport (i.e., a particular venue) by using a smart card.

5. Claims 32-38, and 42-49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Diamond et al. (US Pat. 6,698,653), in view of Musgrave (US Pat. 6,105,010).

The rationales & reference for a rejection of claim 31 are incorporated.

A. As to claims 42, 33, 36, 44, and 46:

Diamond et al. do not disclose about assigning a clearance level/code.

However, Musgrave suggests about using/producing a "security level code" for verification, this code represents an individual risk rating – this has been well-known with different color badges in defense contractors for quickly identifying a clearance level of a person (see Musgrave, col.4 lines 6-8).

The motivation is for a benefit of classifying clearance level immediately in Diamond et al.'s smart card using Musgrave's information.

B. As to claims 32, and 43:

Diamond et al. do not disclose that an interface is a telephone system.

However, Musgrave suggests that idea (see Musgrave, Fig.1) "the biometric certifying authority management system and method include a biometric certifying authority (BCA) manager 10 operatively connected to a transaction requester 12, for

example, via telephone lines, Internet connections, wireless communication channels including satellite channels, etc.”.

The motivation is creating a convenience to the user of available communication means; wherein a telephone is a very common use.

C. As to claim 34:

The examiner submits that Diamond et al. also suggest a computer at an initial check-in point is able to generate a random multi-digit code (this has been a well-known capability of a computer).

D. As to claims 35, and 45:

The examiner respectfully submits that Diamond et al.’s configuration on Fig.5 can be used in different check-in points because data are readily available through airport LAN/WAN networks.

E. As to claims 37-38: The examiner respectfully submits that Diamond et al.’s configuration on Fig.5 includes a generator/computer to check an individual based on the individual's personal information (e.g., name, telephone number, or original country). Further, federal agencies such as FBI/CIA feed necessary data to national airport networks about an updated terrorist/wanted list (i.e., an airport receives those information/data from a third party – FBI/CIA).

F. As to claim 49: The examiner respectfully submits that Diamond et al. also suggest a stream-lined verification to minimize a security measure performed at the check-point upon the individual's arrival (e.g., the use of a smart card would reducing a presence of security forces in critical times (polices/National Guard soldiers) at a check-in gate).

G. As to claims 39-40, and 47-48: Diamond et al. teach a system and a method for using facial image captures (a further verification of an individual's identity) as "extra" security measure at an airport check-point/access to a public venue (see Diamond et al., Fig.2 ref.20).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to use Musgrave's idea about using a security level code, an interface could be a telephone system, and above claimed limitations in Diamond et al.'s system for the benefit of providing an extra level of security check at the airport, streamlining a check-in process, also providing a flexible and well-known means of/(step of use) information input because these are familiar (daily activities) with a user.

Conclusion

6. Claims 31-50 are not patentable. The arguments are unpersuasive Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


7. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


CUONG H. NGUYEN
Primary Examiner
Art Unit 3661